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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

CENTER FOR BIOLOGICAL
 DIVERSITY, a non-profit organization,
 Plaintiff,
 v.
 THE OFFICE OF MANAGEMENT AND
 BUDGET,
 Defendant.

No. C 07-4997 MHP

**STIPULATION AND ~~PROPOSED~~
 ORDER REGARDING SCHEDULE
 FOR RESOLUTION OF FEE & COST
 REQUEST**

1 WHEREAS the parties previously stipulated, and the Court previously ordered, that “the
 2 parties shall submit for approval by the Court a proposed schedule to negotiate and, if necessary,
 3 brief the issues pertaining to the Center’s request for fees and costs in this matter within five (5)
 4 court days after this Court has entered its order concerning Magistrate Judge Zimmerman’s
 5 Report and Recommendation dated August 25, 2009 and amended September 9, 2009.”;

6 WHEREAS the Court adopted Magistrate Judge Zimmerman’s Report and
 7 Recommendation in its entirety; AND

8 WHEREAS the Court approved a stipulation setting the briefing schedule for the
 9 Center’s request for fees and costs in this matter be set such that the Center’s opening brief
 10 would be due January 15, 2010, Defendant’s opposition would be due January 29, 2010, the
 11 Center’s reply would be due February 16, 2009, and the Court would have a hearing on March 1,
 12 2010 at 2:00 p.m.

13 The parties stipulate, subject to approval by the Court, that the deadline for the Center to
 14 file its opening brief is continued from January 15, 2010 to January 25, 2010 and the deadline for
 15 Defendant’s opposition is continued from January 29, 2010 to February 5, 2010. The deadline
 16 for the reply brief and the hearing would remain unchanged. The parties have proposed this
 17 change in the briefing schedule to give them time to try to negotiate a resolution of Plaintiff’s
 18 request for fees and costs.

19 Respectfully submitted,

20 DATED: January 5, 2010

By: /s/
 VERA PARDEE
 Attorneys for Plaintiff

22 JOSEPH P. RUSSONIELLO
 23 United States Attorney

24 DATED: January 5, 2010

By: /s/
 MICHAEL T. PYLE
 Assistant United States Attorney
 Attorneys for Defendant

26 **PURSUANT TO STIPULATION, IT IS SO ORDERED:**

27 The deadline for the Center to file its opening brief is continued from January 15, 2010 to
 28

1 January 25, 2010 and the deadline for Defendant's opposition is continued from January 29,
2 2010 to February 5, 2010. The deadline for the reply brief and the date and time of the hearing
3 remain as previously ordered by the Court pursuant to stipulation.

4 DATED: January 6, 2010

5 HON. MARILYN H. PATEL
6 United States District Judge

